

# Order

Michigan Supreme Court  
Lansing, Michigan

March 7, 2007

Clifford W. Taylor,  
Chief Justice

ADM File No. 2006-26

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

Amendment of Rule 3.921  
of the Michigan Court Rules

---

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendments of Rule 3.921 of the Michigan Court Rules are adopted, effective May 1, 2007.

[Additions are indicated by underlining and  
deletions are indicated by strikeover.]

Rule 3.921 Persons Entitled to Notice

(A) [Unchanged.]

(B) Protective Proceedings.

(1) General. In a child protective proceeding, except as provided in subrules (B)(2) and (3), the court shall ensure that the following persons are notified of each hearing:

- (a) the respondent,
- (b) the attorney for the respondent,
- (c) the lawyer-guardian ad litem for the child,
- (d) subject to subrule (C), the parents, guardian, or legal custodian, if any, other than the respondent,
- (e) the petitioner,
- (f) a party's guardian ad litem appointed pursuant to these rules, ~~and~~
- (g) ~~any other person the court may direct to be notified.~~ the foster parents, preadoptive parents, and relative caregivers of a child in foster care under the responsibility of the state, and
- (h) any other person the court may direct to be notified.

- (2) Dispositional Review Hearings and Permanency Planning Hearings. Before a dispositional review hearing or a permanency planning hearing, the court shall ensure that the following persons are notified in writing of each hearing:
- (a) the agency responsible for the care and supervision of the child,
  - (b) the person or institution having court-ordered custody of the child,
  - (c) the parents of the child, subject to subrule (C), and the attorney for the respondent parent, unless parental rights have been terminated,
  - (d) the guardian or legal custodian of the child, if any,
  - (e) the guardian ad litem for the child,
  - (f) the lawyer-guardian ad litem for the child,
  - (g) the attorneys for each party,
  - (h) the prosecuting attorney if the prosecuting attorney has appeared in the case,
  - (i) the child, if 11 years old or older,
  - (j) any tribal leader, if there is an Indian tribe affiliation, ~~and~~
  - (k) ~~any other person the court may direct to be notified.~~ the foster parents, preadoptive parents, and relative caregivers of a child in foster care under the responsibility of the state, and
  - (l) any other person the court may direct to be notified.
- (3) Termination of Parental Rights. Written notice of a hearing to determine if the parental rights to a child shall be terminated must be given to those appropriate persons or entities listed in subrule (B)(2).

(C)-(D)[Unchanged.]

Staff Comment: This amendment adds a requirement mandated by 42 USC 629h that for states receiving federal Court Improvement Program grants, a court rule must be in effect ensuring that foster parents, preadoptive parents, and relative caregivers are notified of any proceedings relating to the child. Form JC 45 will be amended to allow courts to instruct the Department of Human Services to provide notice to the listed individuals, and to require the Department of Human Services to inform courts that it has notified the required parties.

The staff comment is not an authoritative construction by the Court.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 7, 2007

*Corbin R. Davis*

Clerk